

### REMARKS

Claims 1-7 and 9-36 are pending. Claim 8 has been canceled. Claims 2, 14, and 26-27 have been amended to correct typographical errors and antecedent bases. The Title has been amended to be more descriptive. Applicants thank the Examiner for the indication of allowable subject matter. Claims 1, 18, 22, 29 and 36 have been amended to more distinctly claim the subject matter of the discovery. Support for the amendments can be found throughout the specification, for example, at page 2 lines 15-20, and at page 14 lines 5-32. No new matter has been added. Claims 1, 18, 29, and 36 are independent.

#### Rejections under 35 U.S.C. § 112, first paragraph

Claims 18 and 25 have been rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Claim 18 is independent and claim 25 depends therefrom.

#### Claim 18

Applicants have discovered a system for monitoring an appliance that receives power from a source, the system including a power line connected to the source, a circuit connected to the power line and the appliance to monitor power supplied to the appliance and a processor connected to the power line, wherein the circuit sends a signal to the processor through the power line and the signal is based on the power supplied to the appliance. See claim 18.

The Examiner asserts that language such as "a processor connected to the power line" is not sufficiently described in the specification. Applicants respectfully disagree. This language is supported in the specification at page 3, line 6, and is, without more, sufficiently enabling. Specifically, one of ordinary skill in appliance retrofit monitoring devices would be able to connect a processor to a power line. Regardless, additional support for connecting a processor to a power line can be found throughout the specification, for example, at pages 13 and 14. These examples clearly enable one of skill in the art to use the system of claim 18.

#### Claim 25

Applicants have also discovered a system wherein the processor includes a control server. See claim 25. The Examiner has rejected "the processor comprises a control server" as failing to be described in such a way as to enable one skilled in the art to make or use the invention. Applicants respectfully disagree. One of skill in the art of appliance retrofit monitoring devices would be able to use a control server as the processor identified in claim 25 based on the disclosure already existing in the specification. The use of the processor and the control server is disclosed throughout the specification, for example, at pages 5-11. Furthermore, knowledge of how a processor can include a control server is inherently part of the knowledge of one skilled in the art and that knowledge without any additional disclosure is part of being skilled in the art.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of these rejections.

Rejections Under 35 U.S.C. §112, second paragraph

Claims 14, and 26-27 have been rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2, 14 and 26-27 have been amended to correct the typographical errors and antecedent bases. Applicants thank the Examiner for identifying these errors. The claims are now believed to be in correct form for allowance. Applicants respectfully request reconsideration and withdrawal of these rejections.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-7, 14-25 and 29-36 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,644,320 to Carr *et al.* ("Carr"). Claims 1, 18, 29 and 36 are independent.

Independent claims 1, 18, 29 and 36 have been amended to recite the subject matter from dependent claim 8, which was identified as allowable by the Examiner. Applicants submit that the amended claims are not anticipated by Carr because this reference does not disclose the features recited in the amended claims. The claims are now believed to be in condition for allowance. Applicants respectfully request reconsideration and withdrawal of these rejections.

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Enclosed is a \$420 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 6-21-04

  
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